

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN SENATE MAY 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2131**

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**Introduced by Assembly Member Niello**

**(Coauthors: Assembly Members Berryhill, DeVore, Gaines, Garrick,  
Horton, Huff, La Malfa, Maze, Portantino, and Spitzer)**

**(Coauthors: Senators Cox, Hollingsworth, Margett, and Romero)**

February 20, 2008

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An act to add Section 54.25 to the Civil Code, relating to peace officers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2131, as amended, Niello. ~~Peace officers:~~ *officers and firefighters:* canine units.

Existing law provides that individuals with disabilities are entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, as specified. Existing law also permits disabled individuals to be accompanied in those places by guide dogs, signal dogs, or service dogs without paying an extra charge. Existing law provides that any person,

firm, association, or corporation, or the agent of any person, firm, association, or corporation, who prevents a disabled person from exercising, or interferes with a disabled person in the exercise of, the rights to have with him or her a specially trained guide dog, signal dog, or service dog, as specified, is guilty of a misdemeanor, punishable by a fine not exceeding \$2,500.

This bill would provide that a peace officer or firefighter assigned to a canine unit, who is ~~on official assignment for travel~~ *assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her official duties*, may not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog.

This bill would ~~make it a misdemeanor punishable by a fine not exceeding \$1,000 for~~ *provide that* any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation, ~~to prevent that prevents~~ *interferes* with the exercise of, specified rights, *is subject to a civil fine not exceeding \$1,000.*

The bill would state the intent of the Legislature ~~in~~ *with* regard to access by a peace officer or firefighter with a trained service dog to lodging, eating establishments, and public transportation, during a declared emergency.

~~By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 54.25 is added to the Civil Code, to read:
- 2 54.25. (a) (1) A peace officer or firefighter assigned to a
- 3 canine unit assigned to duty away from his or her home jurisdiction
- 4 because of a declared federal, state, or local emergency, and in the

1 course and scope of his or her duties shall not be discriminated  
2 against in hotels, lodging establishments, eating establishments,  
3 or public transportation by being required to pay an extra charge  
4 or security deposit for the peace officer's or firefighter's dog.  
5 However, the peace officer's law enforcement agency or the  
6 firefighter's fire agency shall be liable for any damages to the  
7 premises or facilities caused by the peace officer's or firefighter's  
8 dog.

9 (2) Any person, firm, association, *or corporation*, or the agent  
10 of any person, firm, association, or corporation ~~who that~~ prevents  
11 a peace officer or a firefighter assigned to a canine unit and his or  
12 her dog from exercising, or interferes in the exercise of, the rights  
13 specified in this section is ~~guilty of a misdemeanor, punishable by~~  
14 ~~a~~ *subject to a civil* fine not exceeding one thousand dollars  
15 (\$1,000).

16 (b) (1) For purposes of this section, a "peace officer's or  
17 firefighter's dog" means a dog owned by a public law enforcement  
18 agency or fire department and under the control of a peace officer  
19 or firefighter assigned to a canine unit that has been trained in  
20 matters including, but not limited to, discovering controlled  
21 substances, explosives, cadavers, victims in collapsed structures,  
22 and peace officer on-command searches for suspects and victims  
23 at crime scenes.

24 (2) "Declared emergency" is any emergency declared by the  
25 President of the United States, the Governor of a state, or local  
26 authorities.

27 (c) Nothing in this section is intended to affect any civil  
28 remedies available for a violation of this section.

29 (d) This section is intended to provide accessibility without  
30 discrimination to a peace officer or firefighter with a trained,  
31 public-owned dog in hotels, lodging places, eating establishments,  
32 and public transportation during declared emergencies.

33 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
34 ~~Section 6 of Article XIII B of the California Constitution because~~  
35 ~~the only costs that may be incurred by a local agency or school~~  
36 ~~district will be incurred because this act creates a new crime or~~  
37 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
38 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
39 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~  
2 ~~Constitution.~~

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5 CORRECTIONS:

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